

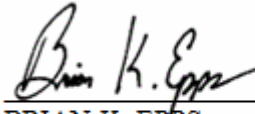
DUBLIN DIVISION

CV 315-039

Plaintiff, an inmate incarcerated at Telfair State Prison in Helena, Georgia commenced the above-styled civil action (Doc. no. 1.) Because Plaintiff was requesting relief in the form of credit for time served, the Court direct Plaintiff to resubmit his claims as a habeas petition under 28 U.S.C. 2241 and warned him of the exhaustion requirements for such a claim. (Doc. no. 3.) Plaintiff now moves to voluntarily dismiss this case because he currently has a proceeding pending in state court. (Doc. no. 4.) As no defendant has filed an answer or a motion for summary judgment in this case, Plaintiff may dismiss his case without an Order from the Court. Fed. R. Civ. P. 41(a)(1)(i).

Therefore, the Court **DENIES AS MOOT** Plaintiff's motion to dismiss (doc. no. 4), and **DIRECTS** the Clerk to **DISMISS** this civil action without prejudice and to terminate all pending motions.

SO ORDERED this 2nd day of June, 2015, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA